

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

GREAT NORTHERN INSURANCE COMPANY,	:	
as subrogee of Jon and Abby Winkelried,	:	CIVIL ACTION NO:
	:	
Plaintiff,	:	05cv10165 RGS
vs.	:	
	:	
FERGUSON & SHAMAMIAN ARCHITECTS, LLP	:	
and W.B. MARDEN, COMPANY,	:	
	:	
Defendants.	:	

**AMENDED JOINT SCHEDULING CONFERENCE STATEMENT**

The parties, through their undersigned counsel, hereby submit the following Amended Joint Scheduling Conference Statement.

**I.      Nature of the Action**

This is an action for property damage and other losses alleged to have been sustained by plaintiff's insureds, Jon and Abbey Winkelried, homeowners, as a result of a water pipe fracture at their property, 15 Cathcart Road, Nantucket, Massachusetts, which occurred on or about January 19, 2004. This is a diversity action pursuant to 28 USC § 1332. Plaintiff seeks damages in excess of \$800,000, upon allegations of negligence and breach of warranty.

**II.     Discovery Plan**

Pursuant to FRCP 26(f), via electronic and teleconference, all counsel discussed, in good faith, a revised discovery plan to govern the conduct of this case. The parties suggest the following schedule:

- 1) All remaining written discovery to be completed by **May 15, 2006**;
- 2) All remaining fact discovery to be completed no later than **June 30, 2006**;
- 3) Plaintiff's expert reports (in compliance with FRCP 26(a)(2)) to be served no later than **July 15, 2006**;

- 4) Defense expert reports (in compliance with FRCP 26(a)(2)) to be served no later than **August 1, 2006**;
- 5) All discovery to be completed no later than **August 15, 2006**, with the exception of expert depositions; and
- 6) All remaining dispositive motions to be filed no later than **September 30, 2006**.

All parties have agreed in good faith on the referenced deadlines.

### **III. Settlement**

Plaintiff has presented written settlement demands to the defendants in compliance with Local Rule 16.1 and this Court's prior Notice of Scheduling Conference dated April 4, 2005. Defendants have represented that they are not in a position to consider settlement at this time. The parties have agreed, in concept, to an early settlement conference to explore early resolution of the matter, after the exchange of expert reports and before incurring the expense of the expert depositions. If expert depositions are required, they shall be completed September 15, 2006.

The undersigned counsel certify that they are authorized to affirm on behalf of their clients that they have conferred with their clients with a view to establishing a budget for the cost of conducting the full course - and various alternative courses – of the litigation; and have considered the resolution of the litigation through the use of alternative dispute resolution programs, including an early settlement conference.

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